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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/898,921	07/23/1997	YOICHI YAMAGISHI	35.C9583-CI.	6547

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FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 07/15/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

08/898,921

Applicant(s)

YAMAGISHI, YOICHI

Examiner

LUONG T NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 27,29,33-35,37-43,62 and 63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27,29,33-35,37-43,62 and 63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 27, 29, 33-35, 37-43 and claims 62-63 filed on 4/29/2004 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

2. Claims 62-63 are objected to because of the following informalities:

Claim 62 (line 8), claim 63 (line 8), "the image pickup" should be changed to --the image pickup process--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 62-63 rejected under 35 U.S.C. 102(b) as being anticipated by Hoshina (US 4,856,045).

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Regarding claim 62, Hoshina discloses an image processing apparatus comprising an image pickup apparatus (video camera 15, figure 2, column 2, lines 28-60); a housing (videophone, figure 2); a detector adapted to detect a state of said housing (hook switch 16 for detecting the handset 14 is picked up or it is not picked up, figure 2, column 3, lines 1- 18, column 4, lines 1-57); a controller adapted to reversibly switch, according to a detecting output of said detector, between a first mode, in which an image pickup process is performed by said image pickup apparatus, and a second mode, in which any of a plural of processes other than the image pickup is performed (Hoshina discloses that the power circuit control 22 feeds power to display 2 and camera 15 only when an off-hook or a ringing signal is detected, the handset 14 is picked up to originate a call and camera takes picture, the movable section 7 is raised up (figures 2-3, column 3, lines 1-13, column 4, lines 1-56, first mode), and when the handset 14 is put in recess 13 to end communication, the power circuit control 22 interrupts power supply to display 2 and camera 15, the movable section 7 is lowered (figures 2-3, column 3, lines 1-13, column 4, lines 1-56, second mode)).

As for claim 63, claim 63 is a method claim of apparatus claim 62. Therefore, claim 63 is rejected for the reason given respect to claim 62.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 27, 29, 33-35 and 37-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bullock et al. (US 5,675,358) in view of Yamagishi (US 5,857,059) further in view of Ogawa et al. (US 4,928,300).

Regarding Claim 27, Bullock et al. disclose (Figures 1 and 2) an image processing system comprising an image pickup apparatus (118) including an image pickup unit (138); and an information processing apparatus (100) including an interface adapted to detachably connect said image pickup apparatus (See Figure 2 and Column 3, Lines 3-7 and Column 2, Lines 66-67 and note that the image pickup apparatus is clearly detachable since the computer is an off-the-shelf item to which the image pickup apparatus as a peripheral device clearly must be connected using a detachable connection); a detector adapted to detect that the image pickup apparatus is connected (See Column 5, Lines 8-13 and note that a detection of whether or not the camera is connected is inherent in the decision to supply power thereto); a memory unit adapted to store images which were picked up by said image pickup apparatus (Column 8, Lines 27-31); a display unit (114) adapted to display images picked up by said image pickup apparatus; and a controller, communicatively coupled to said detector, said memory, and said display unit, adapted to switch between a mode for displaying sequential images sent from the image pickup apparatus on said display unit (Column 5, Lines 29-43), and a mode for displaying an image which was picked up by said image pickup unit and stored in the memory unit instead of the sequential images on said display unit (Bullock et al. disclose the stack buttons 183 and 184 determine all images displayed are to be stacked (stored). And a second global stacking function

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allows only “stacked” images are displayed (column 5, lines 1-29). Note that these “images” were picked up by the camera. It clearly that images, which were picked up by the camera, are stacked (stored) and displayed. When the camera 118 in Bullock is disconnected from computer 100 (Figure 1), there is no image transmitted from camera 118 to computer 100, therefore, only stacked images are displayed).

Bullock et al. fail to specifically disclose a controller adapted to set a connection flag in accordance with a detection result of said detector. However, Yamagishi teaches an information recording device, in which the recording-medium discrimination flag is set according to the result of the detection of connection of the memory card 11 to the connector 13 (figure 4, column 7, lines 63-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bullock et al. by the teaching of Yamagishi in order to let the operator recognize the status of the connection. This would let the user can select the desired mode for displaying image.

Bullock et al. and Yamagishi to specifically disclose a controller adapted to automatically switch between two modes for displaying images. However, Ogawa et al. teach a videophone with detachable TV camera, in which the image displayed on CRT display 4 being automatically switched between a reflected image and a true image (figure 5, column 4, line 60 – column 5, line 28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bullock et al. and Yamagishi by the teaching of Ogawa et al. in order to switch playing between two modes without user intervention. This reduces the operation of the user.

Regarding Claim 29, Bullock et al. disclose that the display unit displays an image sent from the image pickup apparatus in a window in a display screen thereon (Column 5, Lines 29-43).

Regarding Claims 33-35, Bullock et al. disclose that the display unit displays a result detected by the detecting means as marks that relate to a camera and indicate an image pickup condition thereof (Column 5, Lines 29-43).

As to Claims 37-41 see Examiner's comments regarding Claims 27, 29 and 33-35, respectively.

Regarding claims 42-43, Bullock et al. disclose wherein said controller controls said display unit so as to display the image picked up by said image pickup apparatus, during an image pickup operation by said image pickup apparatus (Column 5, Lines 29-60) and display the image stored in said memory unit, during a cessation of the image pickup operation by the image pickup apparatus (images from the stack 206 may be displayed in several ways, Figures 12 and 13, Column 7, Lines 59-67).

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T NGUYEN whose telephone number is (703) 308-9297. The examiner can normally be reached on 7:30AM - 5:00PM.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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7/11/04

  
WENDY R. GARBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600